

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

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HOWARD HESS DENTAL LABORATORIES	:
INCORPORATED and PHILIP GUTTIEREZ d/b/a	:
DENTURES PLUS, on behalf of themselves and all others	:
similarly situated,	:
	:
Plaintiffs,	:
	:
-against-	:
	:
DENTSPLY INTERNATIONAL, INC.,	:
	:
Defendant.	:
	:
-----X	

C.A. No. 99-255 (SLR)

**STIPULATION AND PROPOSED ORDER OF DISMISSAL WITH
PREJUDICE, REGARDING CERTAIN CLAIMS AND REQUESTS FOR RELIEF**

It is stipulated and agreed by and between Plaintiffs and Defendant, Dentsply International, Inc., subject to the approval of the Court:

1. that the following Counts in the above-captioned action are dismissed with prejudice: Count I ("Conspiracy to Restrain Trade in Violation of Section 1 of the Sherman Act"); Count III ("Attempt to Monopolize in Violation of Section 2 of the Sherman Act"), Count IV ("Conspiracy to Monopolize in Violation of Section 2 of the Sherman Act"), and Count V ("Restraint of Trade in Violation of Section 3 of the Clayton Act"); and
2. that Plaintiffs' requests for declaratory relief, as to all Counts, including Counts I through V, are dismissed with prejudice; and

3. that, regarding the stipulated dismissals described in paragraphs 1 and 2, *supra*, only, each party shall bear its own costs.

Dated: October 26, 2007


CHIMICLES & TIKELLIS LLP

YOUNG CONAWAY STARGATT &
TAYLOR, LLP

By /s/ Scott M. Tucker

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SO ORDERED this _____ day of _____, 2007

United States District Judge